

Senate File 449 - Introduced

SENATE FILE 449
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 182)

A BILL FOR

1 An Act related to candidacy and service in elective public
2 office of public employees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 55.1, Code 2011, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 5. A city employee who is elected to
4 a municipal, county, state, or federal office shall not be
5 terminated for holding that office unless the employer can
6 show, by clear and convincing evidence, that holding the office
7 to which the employee was elected precludes the employee
8 from performing the required duties of the employee's job
9 description.

10 Sec. 2. Section 55.4, Code 2011, is amended to read as
11 follows:

12 **55.4 Leave of absence for public employee candidacy.**

13 1. Any public employee who becomes a candidate for any
14 elective public office shall, and only upon request of the
15 employee and commencing any time within thirty days prior to a
16 contested primary, special, or general election and continuing
17 until after the day following that election, automatically be
18 given a period of leave. If the employee is under chapter 8A,
19 subchapter IV, the employee may choose to use accrued vacation
20 leave, accrued compensatory leave or leave without pay to cover
21 these periods. The appointing authority may authorize other
22 employees to use accrued vacation leave or accrued compensatory
23 leave instead of leave without pay to cover these periods. An
24 employee who is a candidate for any elective public office
25 shall not campaign while on duty as an employee.

26 2. This section does not apply to employees of the federal
27 government or to a public employee whose position is financed
28 by federal funds if the application of this section would be
29 contrary to federal law or result in the loss of the federal
30 funds.

31 **EXPLANATION**

32 This bill prohibits a city from terminating a city employee
33 because the employee holds a publicly elected office unless
34 the employer can show, by clear and convincing evidence, that
35 holding public office precludes the employee from performing

1 the required duties of the employee's job description.
2 The bill also specifies that the current Code provision
3 allowing a public employee who becomes a candidate for public
4 office to be given a leave of absence from employment applies
5 only if the employee requests the leave of absence.